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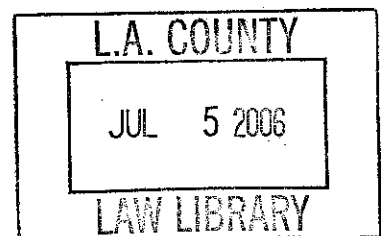
THE DICTIONARY OF CANADIAN LAW

Third Edition

by

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AU BESOIN

ATTORN. *v.* 1. To turn over. 2. To agree to recognize a new owner as landlord. 3. To attorn to a foreign court is to voluntarily submit to its jurisdiction. "It is a well-accepted principle of private international law that where a defendant, although he does not reside within the jurisdiction of that court, appears in a foreign court solely to preserve assets that have been seized by that court, he does not attorn to the jurisdiction of the foreign court." *Amopharm Inc. v. Harris Computer Corp.*, 10 O.R. (3d) 27 (C.A.).

ATTORNARE REM. [L.] To appropriate or assign goods or money to a particular service or use.

ATTORNEY. *n.* 1. A person appointed to act in place of or to represent another. 2. Lawyer. 3. Patent agent. 4. The donee of a power of attorney or where a power of attorney is given to two or more persons, whether jointly or severally or both, means any one or more of such persons. *Powers of Attorney Act*, R.S.O. 1990, c. P.20, s. 1. 5. A person who is, by virtue of section 11 of the Act, an officer of the Court. *Federal Court Rules*, C.R.C., c. 663, s. 2. See CROWN~; POWER OF ~.

ATTORNEY GENERAL. *var.* **ATTORNEY-GENERAL.** 1. The principal law officer of the Crown, a Minister of the Crown. 2. The office of Attorney General started in England as early as the thirteenth century as the King's Attorney. In essence, the Attorney General exercised on the King's behalf the prerogative to bring and terminate prosecutions. Although there are great differences between the constitution of the Canadian and English offices of Attorney General, the power to manage prosecutions of individuals for criminal acts has changed little since these early times and between these countries. In Canada, the office of the Attorney General is one with constitutional dimensions recognized in the *Constitution Act, 1867*. Although the specific duties conventionally exercised by the Attorney General are not enumerated, s. 135 of that Act provides for the extension of the authority and duties of that office as existing prior to Confederation. A similar provision applicable to the Attorney General of Alberta is found in the *Alberta Act*, S.C. 1905, c. 3 (reprinted in R.S.C. 1985, App. II, No. 20), at s. 16(1). Furthermore, s. 63 of the *Constitution Act, 1867* requires that the cabinets of Quebec and Ontario include in their membership the Attorneys General. Attorneys General in this country are, of course, charged with duties beyond the management of

prosecutions. As in England, they serve as Law Officers to their respective legislatures, and are responsible for providing legal advice to the various government departments. Unlike England, the Attorney General is also the Minister of Justice and is generally responsible for drafting the legislation tabled by the government of the day. The numerous other duties of the provincial and federal Attorneys General are broadly outlined in the various Acts establishing the Departments of Justice in each jurisdiction. The gravity of the power to bring, manage and terminate prosecutions, which lies at the heart of the Attorney General's role, has given rise to an expectation that he or she will be in this respect fully independent from the political pressures of the government. It is a constitutional principle in this country that the Attorney General must act independently of partisan concerns when supervising prosecutorial decisions. This side of the Attorney General's independence finds further form in the principle that courts will not interfere with his exercise of executive authority, as reflected in the prosecutorial decision-making process. *Krieger v. Law Society (Alberta)* [2002] 3 S.C.R. 372. 3. See ACTING ~.

ATTORNEY GENERAL OF THE PROVINCE. The minister of the Crown of the province who is responsible for judicial affairs. *Judges Act*, R.S.C. 1985 c. J-1 s. 2.

ATTORNMENT. *n.* Agreement to become a new owner's tenant or a mortgagee's tenant. See BAILMENT BY ~.

ATTRIBUTABLE. *adj.* That which is a natural and reasonable consequence; causally connected.

ATTRIBUTE. *n.* With reference to a person, means the race, creed, colour, nationality, ancestry, place of origin, sex or geographical location of the person and includes the race, creed, colour, nationality, ancestry, place of origin, sex or geographical location of a person connected with the person or of nationals of a country with the government of which the person conducts, has conducted or may conduct business. *Discriminatory Business Practices Act*, R.S.O. 1990, c. D.12, s. 4(2). See OTHER ~.

ATTRIBUTION. *n.* To assign income or property to another person for certain purposes.

ATTRITION. *n.* Reduction of number of members of the work force by death, retirement or resignation.

AU BESOIN. [Fr.] In the event of need.